



*United States Attorney
Eastern District of New York*

JPL:AK
F.#2008R01056

*271 Cadman Plaza East
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May 4, 2012

Via ECF and Hand

Honorable Eric N. Vitaliano
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Abdel Hameed Shehadeh
Criminal Docket No. 10-1020 (ENV)

Dear Judge Vitaliano:

Pursuant to the Court's request, the parties jointly submit this letter to apprise the Court of pending motions in the above-captioned case¹, and to propose a briefing schedule.

By memorandum filed April 17, 2012, the defendant filed a motion to suppress evidence (1) seized pursuant to two search warrants issued on January 25, 2012 by the Honorable Viktor V. Pohorelsky, on the basis that there was no probable cause to support the issuance of the warrants; and (2) seized from the defendant's laptop computer pursuant to a consent search on April 17, 2009, on the basis that consent was not validly obtained. See Def. Mem. at 4-8.

In the same memorandum, the defendant opposed, on various grounds, the government's March 12, 2012 motion to admit at trial as direct evidence of the charged offenses or, alternatively, pursuant to Rule 404(b) of the Federal Rules of Evidence, evidence of the defendant's motive, intent, preparation and planning to join a jihadist fighting group. See Def. Mem. at 8-14.

Finally, in footnote 7 of the memorandum, the defendant requested that trial be bifurcated into a guilt and penalty phase, due to the three-year "sentencing enhancement" set forth

¹ In addition to the motions set forth in this letter, the defendant also submitted a motion to suppress his post-arrest statements. This motion has been fully briefed.

in 18 U.S.C. § 1001 because the charged offenses involve international or domestic terrorism. See Def. Mem. at 10 n.7.

In a separate, classified filing dated April 18, 2012, the defendant requested that the government provide certain classified documents and additional information to the defendant.

The parties jointly propose that the government's unclassified and classified responses to the defendant's April 17, 2012 memorandum and April 18, 2012 classified filing be submitted no later than May 21, 2012, and that the defendant's unclassified and classified replies be submitted no later than June 1, 2012.

Respectfully submitted,

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cc: Frederick Cohn, Esq. (Via ECF and Email)